

REMARKS

The Office rejects claim 1 in the subject application. Claim 1(1 independent claim; 1 claim total) remains pending in the application. Reconsideration of this application is respectfully requested.

DOUBLE PATENTING OBVIOUSNESS REJECTION

The Office rejects claim 1 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over U.S. Patent No. 6,639,255 (issued October 28, 2003). The Office alleges that although the conflicting claims are not identical, they are not patentably distinct. The Office indicates that a timely filed terminal disclaimer under 37 C.F.R. §1.321(c) may be used to overcome this rejection.

Applicant submits the attached terminal disclaimer to obviate this double patenting rejection. The fee for this terminal disclaimer under 37 C.F.R. §1.20(d) of \$110 is attached. Applicant further hereby confirms that the rights to the present invention and U.S. Patent No. 6,639,255 were commonly owned at the time the present invention was made. Accordingly, the double patenting rejection should now be withdrawn as moot. Thus, claim 1 is allowable since the double patenting rejection has been resolved.

CONCLUSION

The Applicant respectfully submits that the instant application is in condition for allowance. Reconsideration of the application is thus requested. Applicant invites the Office to telephone the undersigned or Shahpar Shahpar (U.S. Reg. No. 45,875) at (602) 382-6306 if he or she has any questions whatsoever regarding this Response or the instant application in general.

Respectfully submitted,

S. Kelly for Reg. No. 45,875
Michael K. Kelly, Reg. No. 32,848

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SNELL & WILMER L.L.P.
400 E. Van Buren
One Arizona Center
Phoenix, Arizona 85004-2202
Phone: 602-382-6291
Fax: 602-382-6070